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Attorneys for Defendants,  
INVESTMENT GRADE LOANS, INC., et al

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FLETCHER HARTWELL HYLER, and

Plaintiffs,

vs.

INVESTMENT GRADE LOANS, INC., et al.

Defendants.

CASE NO. 07-CV-03180 WHA

Date: August 28, 2008

Time: 8: 00 a.m.

Courtroom: 9

Judge: Hon. William H. Alsup

SUPPLEMENT TO MEMORANDUM  
OF POINTS AND AUTHORITIES  
IN SUPPORT OF MOTION TO  
EXPUNGE LIS PENDENS AND FOR  
AWARD OF ATTORNEY'S FEES  
AND COSTS

Defendants INVESTMENT GRADE LOANS, INC., et al., (hereinafter "IGL") hereby  
supplement their initial memorandum of points and authorities filed in this case on July 30, 2008, as  
follows:

FACTS

It appears that, in an unsuccessful attempt to cure the defects in the Notice of Action Pending  
(Lis Pendens), that is the subject of this motion to expunge, Plaintiff HYLER recorded in the Official  
Records of San Mateo County and filed in this action on July 23, 2008, he recorded and filed a second  
lis pendens on July 30, 2008, the same date as the filing of this motion. A true and correct copy of  
that second Lis Pendens is attached to the following Declaration of Leo B. Siegel submitted in support  
of Defendant's motion to expunge lis pendens. The second lis pendens is equally defective, and for

the identical reasons set forth in Defendant IGL'S initial memorandum of points and authorities in support of this motion. Accordingly, Defendants IGL request that the Court include the second lis pendens in any decision in this motion rendering an order expunging the Lis Pendens upon which it is based.

### ARGUMENT

#### I.

THE PLAINTIFF'S SECOND LIS PENDENS IN THIS ACTION IS DEFECTIVE FOR THE SAME REASONS CITED IN THE DEFENDANTS' MOVING PAPERS FOR THE FIRST LIS PENDENS THAT LED TO THE FILING OF THIS MOTION.

Defendant included in its initial memorandum of points and authorities several grounds upon which the court should expunge Plaintiff's lis pendens that was recorded in the Official Records of San Mateo County. They included: (1) Plaintiff, a *pro se* litigant, failed to obtain the Court's approval in writing prior to recording the lis pendens, as required under the controlling California law; (2) Plaintiff failed to comply with the mailing requirements set forth in California law in order for a lis pendens to be valid; (3) There was no "action pending" at the time the lis pendens was recorded; (4) Plaintiff can not, under any circumstances, establish by a preponderance of evidence, as required under California Code of Civil Procedure Sec. 405.32, that there is a probable validity to his motion to set aside the earlier dismissal of this case or the underlying claims pursuant to the Truth In Lending Act ("TILA").

The very same defects are present in the subsequently filed Notice of Lis Pendens that Plaintiff was recorded on July 30, 2008, evidently in an effort to cure the patent defects in the first lis pendens. Based upon the foregoing, Defendants and moving parties, IGL, request that the Court include in any order issued pursuant to this motion the Plaintiff's second lis pendens recorded in the Official Records of San Mateo County as Document No. 2008-087986

Dated: August 6, 2008

LAW OFFICES OF MICHAEL E. STONE

By: /s/ Leo B. Siegel  
Leo B. Siegel, Attorneys for Defendants,  
INVESTMENT GRADE LOANS, et al.